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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 Bakhtiar SAHAK,

12 Petitioner,

13 v.

14 Christopher J. LAROSE, Senior Warden,  
15 Otay Mesa Detention Center, San Diego,  
16 California;  
17 Daniel A. BRIGHTMAN, Field Office  
18 Director, San Diego Office of Detention  
19 and Removal, U.S. Immigrations and  
20 Customs Enforcement; U.S. Department  
21 of Homeland Security;  
22 Todd M. LYONS, Acting Director,  
23 Immigration and Customs Enforcement,  
24 U.S. Department of Homeland Security;  
Sirce OWEN, Acting Director for  
Executive Office for Immigration Review;  
Kristi NOEM, Secretary, U.S. Department  
of Homeland Security;  
Pam BONDI, Attorney General of the  
United States;

Respondents.

Case No.: '26CV2292 LEK SBC

**PETITION FOR WRIT OF HABEAS  
CORPUS AND ORDER TO SHOW  
CAUSE WITHIN THREE DAYS;  
COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

Agency Doc. No.:



1 Petitioner BAKHTIAR SAHAK petitions this Court for a writ of habeas corpus  
2 under 28 U.S.C. § 2241 to remedy Respondents' detaining him unlawfully, and states as  
3 follows:

#### 4 INTRODUCTION

5  
6 1. Petitioner, BAKHTIAR SAHAK ("Mr. Sahak" or "Petitioner"), an Afghan asylum  
7 seeker, by and through his undersigned counsel, hereby petitions this Court under 28  
8 U.S.C. § 2241, et seq., to issue a Writ of Habeas Corpus ordering Mr. Sahak's release  
9 from immigration detention by the Department of Homeland Security, United States  
10 Immigration and Customs Enforcement ("ICE"). Mr. Sahak seeks immediate release  
11 from custody because Respondents have held him since September 13, 2025—a  
12 prolonged period—even though he has hired counsel and has acted diligently to have his  
13 asylum application heard by an immigration judge ("IJ"), and his proceedings have been  
14 continued through no fault of his own. Alternatively, order Mr. Sahak's release from  
15 custody under minimum bond of \$1,500.00, or direct an immediate bond hearing before a  
16 neutral decisionmaker where DHS bears the burden of justifying Mr. Sahak's continued  
17 detention by clear and convincing evidence and where alternatives to detention and Mr.  
18 Sahak's ability to pay a bond are considered

19  
20 2. Order Respondents to show cause why Mr. Sahak is being subjected to unlawful  
21 and unconstitutional detention

22 3. His continued detention without a hearing as to flight risk and danger to the  
23 community violates the U.S. Constitution and federal law.

1 **CUSTODY**

2 4. Mr. Sahak is currently in Respondents' legal and physical custody. They are  
3 detaining him at the Otay Mesa Detention Center in San Diego, California. He is under  
4 Respondents' and their agents' direct control.

5 **PARTIES**

6 5. Mr. Sahak is a 40-year-old citizen of Afghanistan, born in Nangarhar, Afghanistan.  
7 He is currently detained at the Otay Mesa Detention Center in San Diego, California. Mr.  
8 Sahak is seeking asylum in the United States due to persecution on account of his  
9 political opinion and Tajik ethnicity. He has two U.S. citizen siblings as well as  
10 additional extensive family and relatives residing in the United States  
11

12 6. Mr. Sahak is currently in Respondents' legal and physical custody at the Otay  
13 Mesa Detention Center in San Diego, California. CoreCivic, Inc., a Maryland  
14 corporation, operates that facility.

15 7. Respondent Christopher LAROSE is the Warden of the Otay Mesa Detention  
16 Center where Petitioner is being held. Respondent Christopher LaRose oversees the day-  
17 to-day operations of the Otay Mesa Detention Center and acts at the Direction of  
18 Respondents Brightman, Lyons and Noem. Respondent Christopher LaRose is a  
19 custodian of Petitioner and is named in his official capacity.  
20

21 8. Respondent Daniel A. BRIGHTMAN is the Field Office Director of ICE in San  
22 Diego, California and is named in his official capacity. ICE is the component of the DHS  
23 that is responsible for detaining and removing noncitizens according to immigration law  
24

1 and oversees custody determinations. In his official capacity, he is the legal custodian of  
2 Petitioner.

3 9. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his  
4 official capacity. Among other things, ICE is a component of the DHS, 6 U.S.C. § 271,  
5 and an “agency” within the meaning of the Administrative Procedure Act, 5 U.S.C. §  
6 701(b)(1). It is the agency responsible for enforcing immigration laws, and it is detaining  
7 Mr. Sahak. Respondent Lyons has custodial authority over Mr. Sahak, who names him in  
8 his official capacity.

10 10. Respondent Sirce OWEN is the Acting Director of EOIR and has ultimate  
11 responsibility for overseeing the operation of the immigration courts and the Board of  
12 Immigration Appeals, including bond hearings. Executive Office for Immigration Review  
13 (EOIR) is the federal agency responsible for implementing and enforcing the INA in  
14 removal proceedings, including for custody redeterminations in bond hearings. She is  
15 sued in her official capacity.

16 11. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official  
17 capacity. DHS is the federal agency responsible for enforcing immigration laws and  
18 granting immigration benefits. See 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1. Respondent Noem  
19 has ultimate custodial authority over Mr. Sahak, who names her in her official capacity.

21 12. Respondent Pam BONDI is the Attorney General of the United States and the  
22 most senior official in the U.S. Department of Justice (DOJ) and is named in her official  
23 capacity. She is responsible for the Immigration and Nationality Act’s implementation  
24 and enforcement (see 8 U.S.C. §§ 1103(a)(1), (g)), and oversees the Executive Office for

1 Immigration Review, the office that administers Mr. Sahak’s removal proceedings and is  
2 responsible for adjudicating Mr. Sahak’s asylum application. Mr. Sahak names her in her  
3 official capacity.

#### 4 JURISDICTION AND VENUE

5 13. This action arises under the United States Constitution and the Immigration and  
6 Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Mr. Sahak’s  
7 detention under the INA and any inherent or plenary powers the government may claim  
8 to continue holding him.

9 14. This Court has jurisdiction under 28 U.S.C. § 1331, § 2241; 5 U.S.C. §§ 701–706  
10 (Administrative Procedure Act, “APA”); and the Suspension Clause, U.S. Const. art. I, §  
11 9, cl. 2, and the Fifth and Eighth Amendments of the United States Constitution.  
12 Jurisdiction is not limited by a petitioner’s nationality, immigration status, or any other  
13 classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008). The Court may grant  
14 relief under the Suspension Clause; the Fifth and Eighth Amendments; 5 U.S.C. § 706  
15 (APA); and 28 U.S.C. §§ 1361 (Mandamus Act), 1651 (All Writs Act), 2001  
16 (Declaratory Judgment Act), and 2241 (habeas corpus).

17 15. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Mr.  
18 Sahak’s detention. Federal district courts possess broad authority to issue writs of habeas  
19 corpus when a person is held “in custody in violation of the Constitution or laws or  
20 treaties of the United States” (28 U.S.C. § 2241(c)(3)), and this authority extends to  
21 immigration detention challenges that survived the REAL ID Act’s jurisdictional  
22 restrictions. Because Mr. Sahak seeks the traditional habeas remedy of release from  
23  
24

1 allegedly unlawful detention, his petition presents precisely the type of threshold legality-  
2 of-detention question that § 2241 was designed to address. *See INS v. St. Cyr*, 533 U.S.  
3 289, 301 (2001); *see also Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020)  
4 (citing *Singh v. Holder*, 638 F.3d 1196, 1211-12 (9th Cir. 2011)). And federal courts are  
5 not stripped of jurisdiction under 8 U.S.C. § 1252. *See, e.g., Zadvydas v. Davis*, 533 U.S.  
6 678, 687 (2001). No court has ruled on the legality of Mr. Sahak's detention.

7  
8 16. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a  
9 substantial part of the events or omissions giving rise to this claim have happened here,  
10 Mr. Sahak is detained here, and his custodian resides here. Venue is also proper under 28  
11 U.S.C. § 2243 because Mr. Sahak's immediate custodian resides in this District. *See*  
12 *Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004) (Kennedy, J., concurring).

### 13 **FACTUAL BACKGROUND**

14 17. Mr. Sahak is a 40-year-old citizen of Afghanistan, born in Nangarhar,  
15 Afghanistan. Mr. Sahak is seeking asylum in the United States due to persecution on  
16 account of his political opinion and his Tajik minority ethnicity.

17 18. Mr. Sahak initially arrived in the United States on or about December 1, 2021, and  
18 entered the United States at or near Calexico, California, without inspection and without  
19 valid entry documents or a visa. Upon arrival, he walked up to border officials and  
20 informed them he had a fear to return to Afghanistan.

21  
22 19. Mr. Sahak was detained for approximately a month and a half at the Imperial  
23 Regional Detention Center, during which time he was referred to an Asylum Officer who  
24

1 conducted a Credible Fear Interview, and at the conclusion of the interview, the Asylum  
2 Officer found Mr. Sahak to be credible and made a positive credible fear determination.

3 20. Following this determination, Mr. Sahak was released on about January 19, 2022  
4 on conditional parole pursuant to INA section 236 (8 U.S.C. § 1226) after a  
5 determination that he was neither a flight risk nor a danger to the community that he  
6 could not be released on conditional parole subject to a \$5,000.00 ICE bond payment. On  
7 the same date, Mr. Sahak was issued a Notice to Appear (NTA) ordering him to appear  
8 before the Los Angeles Asylum Office.  
9

10 21. The NTA issued to Mr. Sahak stated that he is an “alien present in the United  
11 States who has not been admitted or paroled” under Section 212(a)(6)(A)(i). After his  
12 release, Mr. Sahak’ removal proceedings were assigned to the Los Angeles Asylum  
13 Office.

14 22. Mr. Sahak complied with all conditions of his release on conditional parole, he also  
15 attended all his court hearings, timely filed his application for asylum, attended his  
16 biometrics appointment, and otherwise obeyed all laws of the United States. He was  
17 issued a work permit as well as a U.S. Social Security Card and a California driver’s  
18 license. Mr. Sahak has extensive family and community ties in the United States,  
19 including U.S. citizen siblings.  
20

21 23. Before his reincarceration on September 13, 2025, Mr. Sahak’s immigration  
22 proceeding was pending before the Los Angeles Asylum Office. Venue was subsequently  
23 changed to the Otay Mesa Immigration Court following Mr. Sahak’s re-detention.  
24

1 24. On September 13, 2025, Mr. Sahak was working as a delivery driver for Uber Eats  
2 in San Diego and attempting to make a delivery to an address in San Ysidro near the  
3 border when his GPS system directed him to an on ramp that leads to the U.S. Mexico  
4 Border without the ability to exit or make a U-Turn prior to exiting the United States.  
5 Although the government's Form I-213 states that Mr. Shahak "went into Mexico by  
6 accident," and that he "attempted to enter without inspection through the San Ysidro Port  
7 of Entry," Mr. Sahak denies actually "exiting" the U.S. and "entering" Mexico. Mr.  
8 Sahak maintains that since he was not able to exit or make a U-turn, after driving through  
9 the barricades in which U.S. cameras are located and which capture the exiting vehicles  
10 and drivers' photos, and prior to entering the Mexico entry gates, he pulled his vehicle  
11 over on the right hand shoulder and exited it, whereupon he was immediately  
12 encountered by a CBP officer who was standing on the sidewalk of the U.S. exit lanes.  
13 However, in this petition, Mr. Sahak is claiming a "prolonged detention" argument and  
14 not an "unlawful re-detention" argument (nor is he waiving an "unlawful re-detention  
15 argument).  
16

17 25. When Mr. Sahak was detained on September 13, 2025, he suffered a medical  
18 emergency and was taken by ambulance to Sharp hospital, where he received treatment.  
19 He was then transferred back to a CBP facility in San Ysidro where he was held for five  
20 days and then transferred to the Otay Mesa Detention Center where he has been detained  
21 ever since.  
22

23 26. Mr. Sahak has no criminal record and had attended all of his immigration hearings  
24 and appointments, including his ICE check-ins and court hearings. Mr. Sahak had been

1 living in the United States for over four years, during which he not only timely filed his  
2 asylum application and obtained his work permit, but he has also been working to support  
3 himself and his family. He has also developed community ties here in the United States,  
4 has obeyed all laws of the United States and has no criminal record.  
5

6 27. When Mr. Sahak was arrested on September 13, 2025, his immigration  
7 proceedings were pending before the Los Angeles Asylum Office. On September 24,  
8 2025, the government issued Mr. Sahak a Notice to Appear before an immigration judge  
9 on September 29, 2025.

10 28. At his first Master Calendar hearing on September 29, 2025, Mr. Sahak appeared  
11 with his counsel who represented him before the Los Angeles Asylum Office in  
12 connection with his asylum application. However, since Mr. Sahak's then counsel did not  
13 handle detained cases, the IJ adjourned the proceedings to November 12, 2025 for Mr.  
14 Sahak to retain removal counsel and prepare to enter pleadings.

15 29. Mr. Sahak retained new (pro-bono) counsel who entered his appearance prior to  
16 the next scheduled hearing. At the November 12, 2025 hearing, Mr. Sahak appeared with  
17 his new counsel who entered pleadings on behalf of Mr. Sahak. The Immigration Judge  
18 ("IJ") then adjourned the proceedings to December 11, 2025 and ordered Mr. Sahak and  
19 his counsel to prepare and file his amended asylum application.  
20

21 30. On December 11, 2025, after Mr. Sahak and his counsel filed Mr. Sahak's  
22 Amended Asylum Application, the IJ adjourned the hearing to January 28, 2026 and  
23 ordered Mr. Sahak and his counsel to file Mr. Sahak's declaration and supporting  
24

1 evidence. On January 15, 2025, Mr. Sahak filed his Declaration and on January 27, 2026,  
2 prior to the next hearing, he filed his supporting evidence, including witness statement.

3 31. At the January 28, 2026 continued hearing, the IJ set the matter for an individual  
4 merits hearing on June 2, 2026, which was the earliest available date on the court's  
5 calendar.

6 32. In early April, the June 2, 2026 individual merits hearing was vacated sua sponte  
7 by the immigration court and the proceedings were reset again for another Master  
8 Calendar hearing. On April 10, 2026, the matter was reset for another Master Calendar  
9 hearing on May 14, 2026. A continued individual merits hearing is yet to be scheduled.  
10

11 33. Mr. Sahak has not moved for a custody redetermination because the IJ's in this  
12 jurisdiction have consistently ruled that they do not have jurisdiction to redetermine the  
13 conditions of custody over individuals who have been apprehended shortly after entering  
14 the United States and who have been processed under Section 235(b)(1) expedited  
15 removal statute, and who have been placed in removal proceedings following a positive  
16 credible fear determination by an asylum officer.

17 34. Shortly after being detained, Mr. Sahak developed hemorrhoids and has been  
18 suffering from constant bleeding in the affected area of his body. Other than being  
19 provided with a cream and pills, he has been denied proper medical treatment for this  
20 condition and he continues to suffer from it. He has also developed severe toothache in  
21 the past couple of weeks and has been refused treatment for it to date. While in detention,  
22 due to his prolonged detention, Mr. Sahak has also been suffering from lack of sleep,  
23 depression, anxiety, sadness, loss of appetite and weight, and extreme guilt due to having  
24

1 been separated from his family for such an extended period of time, and in such a  
2 manner. There is no adequate, proper and available treatment in the detention facility to  
3 address Mr. Sahak's symptoms.

4 35. Mr. Sahak's continued detention without a tenable justification and without a  
5 demonstration that removal is significantly likely in the reasonably foreseeable future  
6 violates constitutional due process. Zadvydas v. Davis, 533 U.S. 678 (2001); Kydyrali v.  
7 Wolf, 499 F. Supp. 3d 768 (S.D. Cal. 2020).

8 36. The government has failed to effectuate Mr. Sahak's removal within a reasonable  
9 period of time or present any evidence that his removal is significantly likely to occur in  
10 the reasonably foreseeable future.

11 37. Mr. Sahak's detention without a tenable justification violates his rights under the  
12 Due Process Clause of the Fifth Amendment.

#### 13 EXHAUSTION OF REMEDIES

14 38. Mr. Sahak has exhausted all administrative remedies, and no further ones are  
15 available. Furthermore, for habeas claims, exhaustion of administrative remedies is  
16 prudential, not jurisdictional. Hernandez, 872 F.3d at 988. A court may waive the  
17 prudential exhaustion requirement if "administrative remedies are inadequate or not  
18 efficacious, pursuit of administrative remedies would be a futile gesture, irreparable  
19 injury will result, or the administrative proceedings would be void." *Id.* (quoting Laing v.  
20 Ashcroft, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)).  
21 Petitioner asserts that exhaustion should be waived because administrative remedies are  
22 (1) futile and (2) his continued detention results in irreparable harm.

1 39. Exhausting administrative remedies here is futile because Respondents contend  
2 Mr. Sahak is subject to mandatory detention. As such, no request to release him from  
3 custody would be considered by ICE and Mr. Sahak's repeated requests for parole release  
4 have been denied. Moreover, immigration judges in this district claim to have no  
5 jurisdiction to conduct a custody redetermination hearing as to individuals procedurally  
6 situated like Mr. Sahak. Indeed, in contravention to the INA and long-standing precedent  
7 and practice, the Board of Immigration Appeals and Attorney General have deemed no  
8 noncitizen eligible for bond before an immigration judge (with the exception of only  
9 noncitizens who entered the U.S. on a visa). As such, any attempts to exhaust  
10 administrative remedies would be entirely futile.

11  
12 40. Moreover, no statutory exhaustion requirements apply to Petitioner's claim of  
13 unlawful custody in violation of his due process rights, and there are no administrative  
14 remedies that he needs to exhaust. See Am.-Arab Anti-Discrimination Comm. v. Reno,  
15 70 F.3d 1045, 1058 (9th Cir. 1995) (finding exhaustion to be a "futile exercise because  
16 the agency does not have jurisdiction to review" constitutional claims); In re Indefinite  
17 Det. Cases, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same).

18  
19 41. More importantly, every day that Petitioner remains detained causes him harm  
20 that cannot be repaired. His continued detention puts his physical and mental health at  
21 greater risk, further warranting a finding of irreparable harm and the waiver of the  
22 prudential exhaustion requirement. As explained above, Mr. Sahak has been suffering  
23 from depression, anxiety, sadness, loss of appetite and weight, and guilt due to having  
24

1 been separated from his family for such an extended period of time. There is no adequate,  
2 proper and available treatment in the detention facility to address Mr. Sahak’s symptoms.

3 42. The Court must consider this in its irreparable harm analysis of the effects on  
4 Petitioner as his detention continues. See De Paz Sales v. Barr, No. 19-CV-07221-KAW,  
5 2020 WL 353465, at \*4 (N.D. Cal. Jan. 21, 2020) (noting that the petitioner “continues to  
6 suffer significant psychological effects from his detention, including anxiety caused by  
7 the threats of other inmates and two suicide attempts,” in finding that petitioner would  
8 suffer irreparable harm warranting waiver of exhaustion requirement).  
9

10 **FIRST CAUSE OF ACTION**  
11 **Fifth Amendment Due Process Violation**

12 43. Mr. Sahak re-alleges and incorporates by reference, as if fully set forth herein, the  
13 allegations in paragraphs 1-40 above.

14 44. The Supreme Court has long recognized that the Fifth and Fourteenth  
15 Amendments refer to all “persons,” not just “citizens.” Aliens, even inadmissible or  
16 removable aliens, must be afforded due process protection. See Yick Wo v. Hopkins, 118  
17 U.S. 356, 369 (1886) (“The Fourteenth Amendment to the Constitution is not confined to  
18 the protection of citizens.”). As stated by the Court, the provisions of the Fourteenth  
19 Amendment “are universal in their application, to all persons within the territorial  
20 jurisdiction, without regard to any differences of race, of color, or of nationality” Id.  
21 (emphasis added).

22 45. The Supreme Court has held that “even one whose presence in this country is  
23 unlawful, involuntary, or transitory is entitled to that constitutional protection [of the Due  
24

1 Process Clauses of the Fifth and Fourteenth Amendments]” Mathews v. Diaz, 426 U.S.  
2 67, 75 n.7 (1976); see also Plyler v. Doe, 457 U.S. 202, 210 (1982) (“Whatever his status  
3 under the immigration laws, an alien is surely a ‘person’ in any ordinary sense of that  
4 term.”); Wong Wing v. United States, 163 U.S. 228, 238 (1896) (“Persons within the  
5 territory of the United States... even aliens... [may not]... be deprived of life, liberty or  
6 property without due process of law.”).

7  
8 46. As there is no final order of removal, and there doesn’t appear to be one in the  
9 reasonably foreseeable future, Mr. Sahak may not be removed from the United States.  
10 His removal is not reasonably foreseeable, and his detention no longer serves any  
11 legitimate purpose under the INA.

12 47. In Kydyrali v. Wolf, 499 F. Supp. 3d 768 (S.D. Cal. 2020), a judge in this District  
13 granted habeas relief in a substantially similar case, applying a six-factor balancing test  
14 first articulated in Banda v. McAleenan, 385 F. Supp. 3d 1099 (W.D. Wash. 2019), which  
15 considers: (1) total length of detention to date; (2) likely duration of future detention; (3)  
16 conditions of detention; (4) delays in the removal proceedings caused by the detainee; (5)  
17 delays in the removal proceedings caused by the government; and (6) the likelihood that  
18 the removal proceedings will result in a final order of removal. The court determined that  
19 prolonged detention, when considered alongside other due process concerns, can rise to  
20 the level of a constitutional violation warranting release. Kydyrali, 499 F. Supp. 3d at  
21 773.

22  
23 48. Applying the Banda six-factor framework here supports granting Mr. Sahak’s  
24 petition.

1 49. The final factor—finality—strongly supports the grant of this habeas petition and  
2 request for a bond hearing. Mr. Sahak is statutorily eligible to apply for asylum, and until  
3 that application is finally adjudicated, he cannot be removed from the United States.  
4 Thus, the only prospect for removal from the United States would be a speculative, and  
5 not factually unsupported prospect of removal to a third country.

6 50. Almost all delays in this case are attributable to the government. Mr. Sahak  
7 promptly applied for asylum at the border, he has timely attended all of his interviews  
8 and court hearings and has timely complied with the IJ's filing deadlines.

9 51. Mr. Sahak has now been detained by ICE for over seven months since his  
10 detention on September 13, 2025. His continued individual hearing will not take place  
11 until June 2, 2026, and in the event he is granted asylum, the government will likely  
12 appeal and if he is denied asylum and ordered removed by the IJ, he will appeal before  
13 the BIA as a matter of his right, and the appeal of his case to the BIA is estimated to take  
14 several months if not over a year. And in the event that the BIA affirms the IJ, then Mr.  
15 Sahak will petition for review with the Ninth Circuit Court of Appeals and if the BIA  
16 reverses the IJ, then his case will be remanded back to a new IJ which will take several  
17 additional months if not over a year. This period is well beyond the presumptively  
18 reasonable six-month period set forth in Zadvydas, 533 U.S. at 701. Courts consistently  
19 find detention beyond this threshold triggers due process scrutiny. See Kydyrali, 499  
20 F.Supp. 3d at 774–75.  
21  
22  
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1 52. Conditions of confinement also raise constitutional concerns as the medical  
2 treatment available at the Otay Mesa Detention Center is not adequate to address Mr.  
3 Sahak's health conditions.

4 53. Mr. Sahak poses no risk of flight and no danger to the community. He has no  
5 criminal history, has demonstrated compliance with all prior immigration requirements,  
6 and has community support in the United States.

7 54. Mr. Sahak's continued detention without a tenable justification violates his Fifth  
8 Amendment right to due process.  
9

#### 10 **PRAYER FOR RELIEF**

11 Mr. Sahak asks this Court to grant the following relief:

- 12 1. Issue a Writ of Habeas Corpus ordering Respondents to release Mr.  
13 Sahak from custody immediately;
- 14 2. Declare the continued detention of Mr. Sahak without a tenable  
15 justification a violation of the Due Process Clause of the U.S. Constitution;
- 16 3. Alternatively, order Mr. Sahak's release from custody under minimum  
17 bond of \$1,500.00;
- 18 4. Alternatively, direct an immediate bond hearing before a neutral  
19 decisionmaker where DHS bears the burden of justifying Mr. Sahak's  
20 continued detention by clear and convincing evidence and where alternatives  
21 to detention and Mr. Sahak's ability to pay a bond are considered  
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1           5.     Order Respondents to show cause why Mr. Sahak is being subjected to  
2           unlawful and unconstitutional detention; and

3           6.     Grant any other relief that may be fit and proper.  
4

5           Dated: April 10, 2026

Respectfully submitted,

6  
7           By: /s/ Bashir Ghazialam  
8           Bashir Ghazialam

9           Attorney for Petitioner  
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